

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION

JAMES BAYLOUS WHITE, #16611-078	§	
	§	
VS.	§	CIVIL ACTION NO. 4:13cv166
	§	CRIMINAL NO. 4:10cr00018-001
UNITED STATES OF AMERICA	§	

**ORDER OF DISMISSAL**

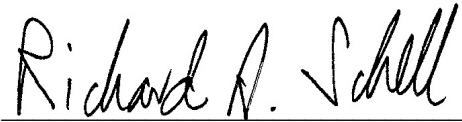
The above-entitled and numbered civil action was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who, after conducting an evidentiary hearing, issued a Report and Recommendation concluding that the Motion to Vacate, Set Aside or Correct a Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 should be denied. Movant has filed objections.

The Report of the Magistrate Judge, which contains her proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration, and having made a *de novo* review of the objections raised by Movant to the Report, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections of Movant are without merit. Therefore, the court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of the court.

It is accordingly **ORDERED** that the Motion to Vacate, Set Aside or Correct a Sentence by a Person in Federal Custody pursuant to 28 U.S.C. § 2255 is **DENIED** and the case is **DISMISSED** with prejudice. A certificate of appealability is **GRANTED** with respect to the

claim that counsel's deficient performance caused Movant to reject the Government's pre-trial offer. All motions not previously ruled on are hereby **DENIED**.

**SIGNED this the 11th day of February, 2019.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL

UNITED STATES DISTRICT JUDGE